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| 09/808,553 | 03/14/2001 | Nikhil Jhingan | 1870-01400 JMH | 3915 |
| 23505 | 7590 | 06/29/2005 | EXAMINER | |
| CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267 | | | ZHONG, CHAD | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2152 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

87

Office Action Summary

Application No.

09/808,553

Applicant(s)

JHINGAN ET AL.

Examiner

Chad Zhong

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2154²

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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OFFICE ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/16/05 has been entered.

claims 1-36 are pending in this application. Claims 1-20 are cancelled.

claims 21-36 are presented for examination.

Claim Rejections - 35 USC § 112, second paragraph

Claims 22, 24, 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack antecedent basis:
 - i. the application element - claim 22, line 5.
 - ii. the user specific content - claim 25, lines 3-4.
 - iii. the candidate server - claim 27, lines 1-2
- b. The claim language in the following claims is not clearly understood:
 - i. As per claim 24, line 3, it is not clearly understood if the specific data belongs to 'the user' or 'the another user'

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 21-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ussery et al. (hereinafter Ussery), US 2002/0049903, in view of Kenner et al. (hereinafter Kenner), US 6,112,239.

4. As per claim 21, Ussery teaches a method for service in a client-server computer network, the method comprising the steps of:

a user performing, from a first computer, a login operation to a first server in the network ([0053]; wherein the first security clearance is passed from the end user to the administrator module 102);

determining, based on the login operation performed by the user a second server in the network for storing the user specific data ([0053], wherein the login by the user will eventually direct the user to user specific data on the database, item 101a-101n from the distributed memory units 108-112);

the user sending, from the first computer to the first server in the network, a request to store the user specific data; ([0057], wherein upon authorization, the users can modify and data maybe entered into the database)

redirecting the request to the second server for performing the service at the second server ([0053], wherein the administrator module redirect the user upon authentications to the database portions related to the requesting user; [0054-0055], wherein units 108-112 maybe physically located on server 100, on a different servers or remotely on other networks).

Ussery does not explicitly teach determining based on a location of the first computer in the network, a second server in the network for storing user specific data;

In a similar system Kenner discloses that it is a conventional practice to improve content delivery performance by pushing web application content to locations geographically close to the users (Col. 16, lines 50-67; and Col. 5, lines 20-25).

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Hence, it would have been obvious for the person ordinary skilled in the art to determine based on a location of the first computer in the network, a second server in the network for storing user specific data in order to decrease the number of network connections over which data must travel in the network.

5. As per claim 24, Ussery teaches the method as claimed in claim 21, further comprising the user or another user performing a login operation to the first server, from a second computer (Fig 2, items 204, 206), and sending a request relating to the user-specific data to the first server ([0053]); and redirecting the request to the second server based on the login operation from the second computer ([0053], wherein the request gets routed to appropriate database units 108-112).

6. As per claim 28, Ussery teaches the method as claimed in claim 21, wherein transactions between the first computer and the second server are conducted in an encrypted manner ([0046], [0048], [0053], wherein the transactions are done through user authentication to user specific data on the database).

7. As per claim 36, claim 36 is rejected for the same reasons as rejection to claim 28 above.

8. As per claims 29 and 32, claims 29 and 32 are rejected for the same reasons as rejection to claims 21 and 24 above.

9. As per claim 22, the claim is rejected for the same reasons as claim 21 above. In addition, Ussery teaches the first server comprises an application server element (item 104, Fig 2) and a determination server element (item 106, Fig 2) and the method comprises the user performing the login operation to the application server element ([0048], wherein the user first login with the administrator module 104 through intranet server 202). Ussery also teaches the application server element performing another login operation to the determination server

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element based on the login operation performed by the user for determining the second server in the network for storing the user specific data ([0053]).

10. As per claim 23, Ussery teaches the method as claimed in claim 22, wherein the application server element and the determination server element are located on different computers in the network (Fig 2, item 202, 104).

11. As per claim 25, Ussery does not explicitly teach replicating at least a portion of the user-specific data on a third server selected based on a location of the second computer on the network, and redirecting requests relating to the user-specific content from the second computer to the third server.

In a similar system Kenner teaches of mirroring user contents on multiple servers so that the server that is the geographically closest to the user can be selected for content providing services (Col. 5, lines 20-25, and Col. 6, lines 15-25).

Hence, it would have been obvious for the person ordinary skilled in the art to determine based on a location of the first computer in the network, a second server in the network for storing user specific data in order to decrease the number of network connections over which data must travel in the network.

12. As per claims 30-31 and 33, the claims are rejected for the same reasons as rejection to claims 22-23, and 25 above respectively.

13. As per claim 26, Ussery does not explicitly teach measuring respective response times between the first computer and each of a plurality of candidate servers.

In a similar system, Kenner teaches determining optimal smart mirroring server locations based on various network tests, the optimal content site is selected based on results of measuring

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response time (see sample sections of Col. 5, lines 37-49; Col. 13, lines 35-45; Col. 10, lines 10-45, i.e. throughput and delay times are monitored and used for optimal mirror selection).

It would have been obvious to the person ordinary skilled in the art to determine optimal mirror servers on the network based on user locations based on number of tests, specifically measuring response time in order to decrease number of network connections over which data must travel (Col. 5, lines 20-25).

14. As per claim 27, Ussery does not explicitly teach one of the candidate servers having the shortest response time is determined as the second server

In a similar system, Kenner teaches wherein optimal smart mirroring server locations are determined based on various network tests, such as the test for measuring response time, the optimal content site is selected based on these tests results (see sample sections of Col. 5, lines 20-25, lines 37-49; Col. 13, lines 35-45; Col. 10, lines 10-45, Col. 8, lines 43-63 i.e. throughput and delay times are monitored and used for optimal mirror selection). It would have been obvious to the person ordinary skilled in the art to determine optimal mirror servers on the network based on user locations based on number of tests, such as the test to measure response time, in order to decrease number of network connections over which data must travel (Col. 5, lines 20-25).

15. As per claims 34-35, the claims are rejected for the same reasons as rejection to claims 26-27 above respectively.

Conclusion

16. Applicant's remarks filed 3/16/05 have been considered but are found moot in view of the new grounds of rejection necessitated by Applicant's amendment.

17. The prior art made of record and not relied upon is considered pertinent to applicant's

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disclosure. The following patents and publications are cited to further show the state of the art with respect to "A Global Storage System".

- i. US 6108703 Leighton et al.
- ii. US 5774668 Choquier et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ
June 14, 2005

A handwritten signature in black ink, appearing to read "N. E. Hachy", with a long vertical line extending downwards from the end of the signature.